UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,947	11/14/2001	David J. Jilk	WIDE-002	8863

25235 7590 08/09/2004	EXAMINER
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ART UNIT	PAPER NUMBER
2177	

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DATE MAILED: 08/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/001,947	JILK ET AL.
	Examiner	Art Unit
	Mohammad Ali	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _14 November 2001_.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-67_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-3,7-30 and 48-60_ is/are rejected.

7) ☒ Claim(s) _56 and 57_ is/are objected to.

8) ☐ Claim(s) _4-6,31-47 and 61-67_ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _14 November 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _07-8-02_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Detailed Action

1. This communication is responsive to the application filed on November 14, 2001.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

    I.   Claims 1-3, 7-30, and 48-60 are drawn to a method/system for storing database information in the data structure, classified in class 707, subclass 102.

    II.   Claims 4-6, 31-47 and 61-67 are drawn to a system/method directed to representing task skills in different task step in remote workers, classified in class 705, subclass 9.

The inventions are distinct, each from the other because of the following reasons: Inventions in Groups I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in Group I has separate utility such as storing database information in the data structure. See MPEP § 806.05(d). Invention in Group II has separate utility and requires a method of task skills in different task step in remote workers.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

During a telephone conversation with Attorney, Kent A. Lambke (Reg. No. 44,866) on August 3, 2004 a provisional election was made without traverse to prosecute the invention of a method/system for storing database information in the data structure, claims 1-3, 7-30, and 48-60. Affirmation of this election must be made by applicant in replying to this Office action. Claims 4-6, 31-47 and 61-67 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicants are advised that the reply to this requirement to be complete must include and election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors in no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Information Disclosure Statement

3.　　The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate

paper." Therefore, unless the references have been cited by the examiner on form

PTO-892, they have not been considered.

In the specification page 3 listed documents or patent should be listed in the

PTO-1449 as per consideration of as of part of specification.

Appropriate correction is required.

Specification

4.   The disclosure is objected to because of the following informalities: In the

specification page 1, pending application no. is required.

Appropriate correction is required.

Drawing objections

5.   The drawings are objected to because they fail to show necessary textual labels of features or symbols in Figs. 5A and 5B as described in the specification. For example, placing a label, "task dispatcher", with elements 309 of Fig. 1, would give the viewer necessary detail to fully understand this element at a glance. A *descriptive* textual label for *each numbered element* in these figures would be needed to fully and better understand these figures without substantial analysis of the detailed specification. Any structural detail that is of sufficient importance to be described should be shown in the drawing. Optionally, applicant may wish to include a table next to the present figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when appropriate. The elements for which such symbols and labeled representations are used must be adequately identified in the specification. Known devices should be illustrated by symbols which have a universally recognized conventional meaning and are generally accepted in the art. Other symbols which are not universally recognized may be used, subject to approval by the Office, if they are not likely to be confused with existing conventional symbols, and if they are readily identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the Examiner, where necessary for understanding of the drawing, subject to approval by the Office.

Claim Objections

6.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires

the original numbering of the claims to be preserved throughout the prosecution. When

claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

Misnumbered or duplicated claims 56 and 57 should be deleted from the list in

page 58 lines 16-19.

Double Patenting

7.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
       A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
       Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

8.   Claims 1-2, 7-8, 10, 12-18, 48-51, and 54-58 provisionally rejected under 35

U.S.C. 101 as claiming the same invention as that of claims 1-2, 10-11, 13, 14-20, 53,

55-63 of copending Application No. 10/002,962. This is a provisional double patenting

rejection since the conflicting claims have not in fact been patented.

Comparison table for the Present application 10/001,947 and pending application

10/002,962 as follows:

10/001,947	10/002,962
1	1
2	2
7	10
8	11
9	58
10	13
12	16
13	17
14	18
15	19
16	20
17	14
18	15
48	53
49	57
50	55
51	56
54	58
55	59
56	60

57   61

58   62

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter. Although the conflicting claims are not identical, they are not patentably distinct each other because they substantially in similar scope and they use the same limitations.

Claims 1, 10, 58, 13, and 53 of the '962 reference cites all the elements of Claims 1, 7, 9, 10, 48 and 54 of the instant application. Claims 1, 10, 58, 13, and 53 of the '962 also includes additional elements that are not recited in the instant claims.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to omit the additional elements of claims 1, 7, 9, 10, 48 and 54 of the instant application because the person would have realized that the remaining element would perform the same functions as before.

"omission of the element and its function in combination is obvious expedient if the remaining elements perform same functions as before." See In re Karlson (CCPA) 136 USPQ 184, decide Jan 16, 1963, Appl. No. 6857, U. S. Court of Customs and Patent Appeals.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other

copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA

1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

10.   Claims 1-3, 7-30, and 48-60 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Bunting et al. ('Bunting' hereinafter), USP 6,134,530 in view of

Thompson et al. ('Thompson' hereinafter), USP 6,675,151.

With respect to claim 1,

Bunting discloses a method of automatically managing a plurality of remote workers carrying out a variety of jobs for one or more customers, each job including a process of a set of one or more task steps and a set of units of source data (see col. 4, lines 24-33), the method comprising:

storing in a database information on each remote worker including one or more task skills of the worker that define the types of task steps the worker is certified to carry out (see col. 3, lines 52-55 and col. 4, lines 24-33, Fig. 5);

storing in the database information on the customers (see col. 4, lines 24-25);

storing in the database information on each process, including the customer of the process, the order of carrying out the task steps of the process, how the input for each task step is obtained from the results of prior task steps in the process, and any pre-processing and post-processing required (see col. 4, lines 24-33);

receiving the units of source data from the customers (see col. 4, lines 28-33, Fig. 4);

carrying out any defined pre-processing for the received source data (see col. 4, lines 28-33);

storing in a task data structure information on tasks to be completed, each task defined by a task step and a unit of input for the task step (see col. 6, lines 8-9 et seq);

storing in the database information on each remote worker including one or more task skills of the worker that define the types of task steps the worker is certified to carry out (see col. 3, lines 52-55 et seq);

receiving requests from one or more of the remote workers for tasks (see col. 4, lines 28-30);

upon receiving a task request from a remote worker, dispatching a task from the stored tasks to be completed to the remote worker according to one or more task dispatch rules (see col. 3, lines 52-55);

receiving the task results from the remote workers for the task dispatched to the workers (see col. 3, lines 52-55);

carrying out any defined post-processing of the task results corresponding to the tasks of a process for a unit of source data to produce result data for the unit of source data (see col. 9, lines 28-33);

sending the result data to the customers (see col. 8, lines 16-19)

training workers at one or more task skills according to one or more training scenarios related to the task skills (see col. 11, lines 20-22),

such that the training of workers at one or more task skills occur automatically substantially without human management (see col. 11, lines 20-22 et seq).

Bunting does not explicitly indicate the claimed data structure.

Thompson discloses the claimed data structure (col. 8, lines 45-46).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the data structure of Thompson's teaching would have allowed Bunting's system to notify the tasks for enhancing the efficacy and reliability of the procedures as suggested by Thompson at col. 1, lines 23-25.

As to claim 3,

Bunting teaches wherein managing the capacity includes determining one or more of the training scenarios based on the distribution of tasks in the task data structure, required task skills, and available workers having the required task skills (see col. 6, lines 8-9).

Claim 7 has the same subject matter as of claim 1 and essentially rejected for the same reasons as discussed in claim 1 above.

Claim 9 has the same subject matter as of claim 1 except code segments and Bunting discloses at col. 12, lines 11-14 and essentially rejected for the same reasons as discussed in claim 1 above.

Bunting does not explicitly indicate the claimed data structure.

Thompson discloses the claimed data structure (col. 8, lines 45-46).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the data structure of Thompson's teaching would have allowed Bunting's system to notify the tasks for enhancing the efficacy and reliability of the procedures as suggested by Thompson at col. 1, lines 23-25.

Claim 10 has the same subject matter as of claim 1 and essentially rejected for the same reasons as discussed in claim 1 above.

As to claim 11,

Bunting teaches producing result data from the task results of the tasks of a process and sending the result data to the customer of the process (see col. 4, lines 24-33).

As to claim 12,

Bunting teaches wherein dispatching is to a remote worker via the Internet and wherein the remote worker completes the task at remote location (see col. 3, lines 51-55).

As to claim 13,

Bunting teaches wherein the storing of process information includes storing information on any required pre-processing of source data and on any required post-processing, and wherein the source data receiving includes carrying out any pre-processing required for the source data according to the stored process information, and wherein the producing result data further includes carrying out any post-processing required according to the stored process information (see col. 4, lines 24-33 et seq).

As to claim 14,

Bunting teaches wherein the dispatching occurs upon receiving a task request from the worker (see col. 12, lines 10-15).

As to claim 15,

Bunting teaches wherein the task request is received from the worker automatically when the worker logs on (see col. 9, lines 15-19).

As to claim 17,

Bunting teaches managing the capacity, including determining one or more of the training scenarios based on the distribution of tasks in the task data structure, required task skills, and available workers having the required task skills (see col. 6, lines 8-9).

As to claim 18,

Bunting teaches wherein managing the capacity further includes projecting the task

demand and providing additional training scenarios when a shortfall is predicted (see

col. 11, lines 20-22).

As to claim 19,

Bunting teaches wherein managing the capacity further includes informing the

workers of availability of the additional training scenarios (see col. 11, lines 20-22).

As to claim 20,

Bunting teaches wherein the training is to a remote worker via the Internet (see col.

6, lines 24-26).

As to claim 21,

Bunting teaches certifying workers as having one or more task skills (see col. 12,

lines 10-12).

As to claim 22,

Bunting teaches wherein the dispatching occurs according to a set of one or more

dispatch rules (see col. 6, lines 8-13 et seq, Fig. 4).

As to claim 23,

Bunting teaches wherein the dispatch skills includes that the worker a task is

assigned to must have the task skill for the task step (see col. 4, lines 19-23).

As to claim 24,

Bunting teaches wherein the dispatching further occurs to satisfy one or more task

dispatch objectives (see col. 4, lines 24-29).

As to claim 25,

Bunting teaches wherein the task data structure is part of the database and wherein the dispatching includes forming a query on the database (see col. 4, lines 24-33).

As to claim 26,

Bunting teaches wherein the database is a relational database including a set of tables (see col. 4, lines 19-33, Fig. 19).

As to claim 27,

Bunting teaches wherein one of the training scenarios for a particular task skill is practicing the task step associated with the task skill (see col. 4, lines 18-23).

As to claim 28,

Bunting teaches wherein another of the training scenarios for the particular task skill is a task skill test in the particular task skill (see col. 4, lines 18-23).

As to claim 29,

Bunting teaches wherein the information stored in the database for each worker includes one or more qualifications of the worker, and wherein at least one of the training scenarios requires the worker undergoing training to have a related qualification (see col. 4, lines 24-33).

As to claim 30,

Bunting teaches screening potential workers, each successfully screened potential worker becoming an applicant, wherein the training scenarios are offered to both workers and applicants (see col. 4, lines 35-39 et seq).

Claim 48 has the same subject matter as of claim 1 and essentially rejected for the same reasons as discussed in claim 1 above.

As to claim 50,

Bunting teaches wherein the dispatching occurs upon receiving a task request from the worker (see col. 12, lines 10-15).

As to claim 51,

Bunting teaches wherein the task request is received from the worker automatically when the worker logs on to the system (see col. 9, lines 14-18).

As to claim 52,

Bunting teaches means for managing the capacity, including determining one or more of the training scenarios based on the distribution of tasks in the task data structure, required task skills, and available workers having the required task skills (see col. 4, lines 18-23).

As to claim 53,

Bunting teaches wherein managing the capacity further includes projecting the task demand and providing additional training scenarios when a shortfall is predicted (see col. 11, lines 19-20).

Claim 54 has the same subject matter as of claim 1 except code segments and Bunting discloses at col. 12, lines 11-14 and essentially rejected for the same reasons as discussed in claim 1 above.

Bunting does not explicitly indicate the claimed data structure.

Thompson discloses the claimed data structure (col. 8, lines 45-46).

It would have been obvious to one ordinary skill in the data processing art at the time of the present invention to combine the teachings of the cited references because the

data structure of Thompson's teaching would have allowed Bunting's system to notify

the tasks for enhancing the efficacy and reliability of the procedures as suggested by

Thompson at col. 1, lines 23-25.

As to claim 55,

Bunting teaches wherein dispatching is to a remote worker via the Internet and

wherein the remote worker completes the task at remote location (see col. 3, lines 51-

55).

As to claim 56,

Bunting teaches wherein the dispatching occurs upon receiving a task request from

the worker (see col. 4, lines 27-30).

As to claim 57,

Bunting teaches wherein the task request is received from the worker automatically

when the worker logs on (see col. 4, lines 24-33).

As to claim 2, 8, 16, 49 and 58,

Bunting teaches wherein the variety of jobs include a plurality of members of the set

consisting of: data entry, telesales, voice transcription, translation, image categorization,

sales lead incubation, auditing, repair of documents after OCR, photo retouching,

paralegal processes, call center quality assurance, and editorial work. (see col. 4, lines

24-33, Figs. 4-6 et seq)

As to claim 59,

Bunting teaches one or more code segments to instruct the one or more processors

to manage the capacity, including determining one or more of the training scenarios

based on the distribution of tasks in the task data structure, required task skills, and

available workers having the required task skills (see col. 4, lines 18-23 and col. 11,

lines 19-23).

As to claim 60,

Bunting teaches wherein managing the capacity further includes projecting the task

demand and providing additional training scenarios when a shortfall is predicted (see

col. 7, lines 55-63, Fig. 3 et seq).

Contact Information

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790 or Customer Service (703) 306-5631. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for any communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Mohammad Ali

Patent Examiner

AU 2177

MA

August 03, 2004